

## Peabody, Daniel (EGLE)

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**From:** Peabody, Daniel (EGLE)  
**Sent:** Friday, June 10, 2022 3:03 PM  
**To:** saric.james@epa.gov  
**Cc:** Miller, Megen (AG); Roberts, Keegan (robertsk@cdmsmith.com); Williams, Lisa; Diana, Matthew (DNR); Wesley, Jay (DNR); Mills, Mark (DNR); Alexander, Kyle (EGLE); Haroldson, Derek (EGLE); Kline, David (EGLE); Riley, John (EGLE); Trumble, Luke (EGLE); Walczak, Joseph (EGLE)  
**Subject:** EGLE Cover Letter and Detailed Comments\_Kalamazoo River Superfund Site OU5 Area 1 Remedial Reach RA\_RPP  
**Attachments:** FINAL\_EGLE Cover Letter and Detailed Comments\_Kalamazoo River OU5 Area1 RA\_RPP.pdf

Jim,

Attached are EGLE's comments on the Restoration and Plantings Plan (RPP) that was submitted to support the upcoming remedial action (RA) for the Area 1 Remedial Reach. Comments on other RA work plans will be submitted under separate cover letters and generally grouped based on the week they were submitted. The RPP marks the seventh round of submittals for the Area 1 Remedial Reach RA and EGLE has three documents left to review- the Remedial Action Work Plan, the Construction Quality Assurance Plan, and the Operations, Maintenance, and Monitoring Plan. Comments on those documents will be grouped and submitted under a single cover letter.

Thanks,

**Daniel Peabody**

Environmental Quality Analyst

Remediation and Redevelopment Division

Michigan Department of Environment, Great Lakes, and Energy

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GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
LANSING



LIESL EICHLER CLARK  
DIRECTOR

June 10, 2022

VIA E-MAIL and U.S. MAIL

Jim Saric  
Remedial Project Manager  
United States Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard (SR-6J)  
Chicago, Illinois 60604-3511

Dear Jim Saric:

SUBJECT: Michigan Department of Environment, Great Lakes, and Energy (EGLE)  
Comments on the Restoration and Plantings Plan (RPP), dated May 2022,  
Area 1 of Operable Unit 5 (OU5), Allied Paper Inc./Portage  
Creek/Kalamazoo River Superfund Site (Site).

By way of this correspondence, EGLE formally submits this cover letter and detailed comments (attached) for inclusion in the Administrative Record for the Site. A brief description of the Area 1 remedial action (RA) is included below, and a few over-arching comments are provided thereafter.

The draft subject document that was submitted provides details to support implementation of the Area 1 RA. Georgia-Pacific and International Paper are respondents (Respondents) to a Unilateral Administrative Order (UAO) (Docket No: V-W- 17-C-002) for remedial design (RD) and RA for Area 1 of OU5. The UAO requires implementation of the Area 1 Record of Decision (ROD) (Appendix A) and the procedures and requirements for implementing the work, are outlined in the Statement of Work (SOW) (Appendix B) that is included as an attachment to the UAO. The selected sediment remedy in the Area 1 ROD requires, among other things, excavation of the Crown Vantage Side Channel (CVSC) and select sediment 'hot spots' in a portion of the river referred to as the remedial reach which begins in the city of Kalamazoo near Mayors Riverfront Park and extends approximately three river miles downstream to Parchment.

Following completion of the RD/RA pre-design investigation (PDI) as described in the PDI Evaluation Report Parts 1 & 2, the PDI sampling in 2017 'eliminated' KPT-20 as a 'hot spot' but the PDI sampling identified Verburg Park Pond as a 'hot spot'.

At the 30 percent RD phase, the United States Environmental Protection Agency (U.S. EPA) approved a request from the Respondents to splinter the RD/RA for the sediment remedy into three individual components based on location.

The RD and RA for the CVSC 'hot spot' was completed in 2020 and 2021, respectively.

The 95 percent Sediment Remedial Design (95RD) – Remedial Reach, which included design details for 'hot spots' KRT-4, KRT-5/FF-19, and SIM-1 was submitted in August 2021, followed by an Addendum that was submitted in October 2021 for Bedform 118 (SED-118), which is an additional 'hot spot' located upstream of the Verburg Park Pond outlet that was identified during the RD/RA PDI and added to the scope of the RD/RA by the U.S. EPA during development of the 95RD – Remedial Reach. EGLE provided a cover letter and detailed comments on the 95RD – Remedial Reach and Addendum to the U.S. EPA on October 27, 2021. The Final Sediment Remedial Design (100RD) – Remedial Reach was submitted on December 17, 2021. EGLE provided comments on the 100RD to the U.S. EPA on February 9, 2022, and the U.S. EPA issued an approval of the 100RD and authorization to proceed with RA the same day. The sediment RD for the furthest upstream 'hot spot' in the Remedial Reach, KPT- 19, is not part of this RD/RA. EGLE expects to receive a standalone RD for KPT-19 soon.

The subject documents were submitted per the requirements of Section 4 of the SOW and provide details for sediment 'hot spots' referred to as KRT-4, KRT-5/FF-19, Verburg Park Pond, SED-118 and SIM-1, which are in the Remedial Reach. Similar to the RA work plans and documents that were submitted by the Respondents prior to implementing the RA at the CVSC, an expedited review and comment time is being requested so that the RA can begin on or around June 13, 2022. The subject RPP work plan was submitted on May 19, 2022.

EGLE's comments were developed in coordination and consultation with the Natural Resources Damage Assessment Trustees, and after reviewing the subject document, presentation slides provided during work groups meetings that were held on March 29, April 11, April 12, April 19, April 22, April 26, May 3, May 10, and May 26, and following a site visit to the proposed staging areas that was held on April 7 and attended by the U.S. EPA and their consultant (Jacobs Engineering), EGLE, the Area 1 Respondents and their respective consultants (Wood Environment & Infrastructure Solutions [Wood], and GeoSyntec Consultants), and the contractor that was selected by the Respondents to implement the RA (Sevenson Environmental Services).

Some overarching comments on the subject RA work plan are included below and detailed comments are provided as an attachment.

1. A more local source should be sought for obtaining plant material. Guidelines recently reviewed recommend plant sources within ranges like 50 miles of latitude and 150 miles of longitude. Minnesota Department of Natural Resources is a bit more flexible than that with the following in their online guide: "When purchasing plants from a nursery, it is important to determine the source of the plants. The seed source should be as local as possible but no further than 200 miles from the site, in order to protect and maintain regional genetic makeup."

Lessons learned from recent removal work include the observation that locally harvested live stakes collected just before installation had noticeably better survival than live stakes that were harvested in advance and kept in storage for a period of time prior to installation.

2. Specifications for erosion control fabric are not included with this plan. The specifications should be for wildlife friendly products that will not pose an entrapment hazard for snakes or other small wildlife. This project is within the range of the Eastern Massasauga Rattlesnake, which is listed under the Endangered Species Act as threatened. Some information on wildlife safe materials and best practices is included below, and additional information and a list of products that meet these specifications can be found here: <https://fws.gov/initiative/protecting-wildlife/make-change-wildlife-friendly-erosion-control-products>. See Specific Comment #4 for more details.
3. Please define and provide a citation to other relevant documents that provide the specifications for "Riprap Mix 1" and "Riprap Mix 2". For other projects along the Kalamazoo River, river run rock or natural stone have been used in and along the riverbanks rather than materials like broken concrete or quarry-cut stone blocks. Clarify if any riprap is expected to be placed below the typical water elevation. If so, confirm that this riprap placement was accounted for in the no-rise modeling provided in Appendix C of the 100RD
4. The Operations, Maintenance, and Monitoring (OM&M) Plan is discussed but was not submitted for review prior to submission of the RPP. If possible, relevant sections of the OM&M Plan should be provided and inserted in the RPP. Are there performance standards included for establishment of vegetation? Particularly along riverbanks and in active floodplains, a minimum of three years and preferably five should be used to determine if the intended species diversity, coverage by native vs invasive species, and shrub/tree survival have been achieved.

EGLE appreciates the opportunity to review and comment on the subject Work Plan for Area 1 and looks forward to working with all parties involved on this project. If you have any questions, please contact Mr. Daniel Peabody, Environmental Quality Analyst, Remediation and Redevelopment Division at 517-285-3924; PeabodyD@Michigan.gov; or EGLE, P.O. Box 30426, Lansing, Michigan 48909-7926.

Sincerely,



Daniel Peabody  
Environmental Quality Analyst  
Superfund Section  
Remediation and Redevelopment Division

Attachments

att/cc: Megan Miller, Michigan Department of Attorney General  
Dr. Keegan Roberts, CDM Smith  
Dr. Lisa Williams, U.S. Fish and Wildlife Service  
Matt Diana, Michigan Department of Natural Resources (MDNR)  
Mark Mills, MDNR  
Jay Wesley, MDNR  
Kyle Alexander, EGLE  
Derek Haroldson, EGLE  
David Kline, EGLE  
John Riley, EGLE  
Luke Trumble, EGLE  
Joseph Walczak, EGLE

**Allied Paper Inc./Portage Creek/Kalamazoo River Superfund Site**  
**Restoration and Planting Plan**  
**Remedial Reach**  
**Kalamazoo River Area 1**

**GENERAL COMMENTS**

**Commenting Organization:** NRDA Trustees/EGLE

**General Comment #1:** Some overarching comments on Section 3.1 Live Stakes and Section 3.2 Tree/Shrub Installation are provided below.

1. A more local source should be sought for obtaining plant material. Guidelines recently reviewed recommend plant sources within ranges like 50 miles of latitude and 150 miles of longitude. Minnesota DNR is a bit more flexible than that with the following in their online guide: "When purchasing plants from a nursery, it is important to determine the source of the plants. The seed source should be as local as possible but no further than 200 miles from the site, in order to protect and maintain regional genetic makeup."
2. Lessons learned from recent TCRA work include the observation that locally harvested live stakes collected just before installation had noticeably better survival than live stakes that were harvested in advance and kept in storage for a period of time prior to installation.

**Commenting Organization:** NRDA Trustees/EGLE

**General Comment #2:** Some overarching comments on Section 3.3 Seeding are provided below.

1. It would be helpful to have the proposed seed mixes for different habitat zones included in this plan.
2. In general, the Trustees support using Cardno's Walkerton, Indiana farm as the seed source, but would still like to see the seed mix and be assured that cultivars or strains from different regions are not included.

**Commenting Organization:** EGLE

**General Comment #3:** This plan should include a figure depicting areas that are currently planned for restoration and planting.

**SPECIFIC COMMENTS**

**Commenting Organization:** EGLE

**Section:** 3.2

**Page #:** 2

**Lines #:** 1-2

**Specific Comment #1:** Include a summary of the inventory of existing trees as an attachment to this plan.

**Commenting Organization:** EGLE

**Section:** 3.2

**Page #:** 3

**Lines #:** 9-10

**Specific Comment #2:** Revise the text to state the Respondents' Representative will facilitate getting MDNR approval for trees that need to be re-planted outside the general vicinity of removed or damaged trees.

**Commenting Organization:** EGLE

**Section:** 3.2

**Page #:** 3

**Lines #:**

**Specific Comment #3:** The table provided has a "+" symbol indicating plants that require a wet area. Discuss in this section that suitable conditions will be selected without the need for irrigation.

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Additionally, if plantings do not survive the first year indicate that GP will re-plant trees the following season as needed.

**Commenting Organization: USFWS/EGLE**

**Section: 3.4**

**Page #: 4**

**Lines #:**

**Specific Comment #4:** Specifications for erosion control fabric are not included with this plan. The specifications should be for wildlife friendly products that will not pose an entrapment hazard for snakes or other small wildlife. This project is within the range of the Eastern Massasauga Rattlesnake, which is listed under the Endangered Species Act as threatened. Some information on wildlife safe materials and best practices is included below, and additional information and a list of products that meet these specifications can be found here: <https://fws.gov/initiative/protecting-wildlife/make-change-wildlife-friendly-erosion-control-products>

- Wildlife safe materials are those that are 100% biodegradable, made from natural fibers, and use a loose weave (often called leno weave) that allow animals to wiggle free. To minimize wildlife entanglement and plastic debris pollution, choose temporary erosion and sediment control products that either do not contain netting, or that contain netting manufactured from 100% biodegradable non-plastic materials such as jute, sisal, or coir fiber. Degradable, photodegradable, UV-degradable, oxo-degradable, or oxo-biodegradable plastic netting (including polypropylene, nylon, polyethylene, and polyester) are not acceptable alternatives. All netting materials used should have a wildlife-safe, loose-weave design with movable, non-welded joints between the horizontal and vertical twines, allowing the twines to move independently and thus reducing the potential for wildlife entanglement. Erosion control blankets and mats should be staked down to the ground and secured with wooded stakes and have the edges buried. Netting that is elongated (rectangular), not square, reduce wildlife entanglements. Avoid the use of silt fences reinforced with metal mesh or plastic mesh. When no longer required, temporary erosion and sediment control products should be promptly removed, usually as soon as vegetation establishes in the soil.

**Commenting Organization: EGLE**

**Section: 3.5**

**Page #: 5**

**Lines #: 1-7**

**Specific Comment #5:** Clarify if any riprap is expected to be placed below the typical water elevation. If so, confirm that this riprap placement was accounted for in the no-rise modeling provided in Appendix C of the 100% design.

**Commenting Organization: NRDA Trustees/EGLE**

**Section: 3.5**

**Page #: 5**

**Lines #:**

**Specific Comment #6:** Please define and provide a citation to other relevant documents that provide the specifications for "Riprap Mix 1" and "Riprap Mix 2". For other projects along the Kalamazoo River, river run rock or natural stone have been used in and along the riverbanks rather than materials like broken concrete or quarry-cut stone blocks.

**Commenting Organization: EGLE**

**Section: 4.0**

**Page #: 5**

**Lines #:**

**Specific Comment #7:** Provide a comment stating "If plantings do not survive the first year due to weather, lack of watering, or improper siting, GP will re-plant trees the following season as needed."

**Allied Paper Inc./Portage Creek/Kalamazoo River Superfund Site**

**Restoration and Planting Plan**

**Remedial Reach**

**Kalamazoo River Area 1**

**Commenting Organization:** NRDA Trustees/EGLE

**Section:** 4.0

**Page #:** 5

**Lines #:**

**Specific Comment #8:** The Operations, Maintenance, and Monitoring (OM&M) Plan is discussed but was not submitted for review prior to submission of the Restoration and Plantings Plan. Could the relevant sections of the OM&M plan be provided or inserted in the Restoration and Plantings Plan? Are there performance standards included for establishment of vegetation? Particularly along riverbanks and in active floodplains, a minimum of 3 years and preferably 5 should be used to determine if the intended species diversity, coverage by native vs invasive species, and shrub/tree survival have been achieved.

**Commenting Organization:** EGLE

**Section:** 5.0

**Page #:** 6

**Lines #: 1-5**

**Specific Comment #9:** Revise the text to clarify that final seed mix certifications will also be provided to EGLE and MDNR.

**Commenting Organization:** NRDA Trustees/EGLE

**Section:** 7.0

**Page #:** 6

**Lines #:**

**Specific Comment #10:** The Restoration and Plantings Plan proposes to use Agriform fertilizer pellets for plantings and a safety datasheet for Agriform pellets is included as Attachment 1 to the Plan. EGLE and the Trustees are not opposed to using Agriform fertilizer during the restoration as it may give the new seedlings some needed nutrients. However, would it be possible to establish a buffer from the river edge (maybe 20ft) where we do not utilize Agriform tablets as they have 10% phosphate. There is a Phosphorous TMDL for the Kalamazoo River. Perhaps Agriform has a low or no phosphate tablet that could be used for seedlings near the river.